

REMARKS

The above amendments and these remarks are responsive to the Office action dated October 6, 2005. Claims 1-32 are pending in the application. Claims 1-6, and 8-10 are rejected under 35 U.S.C. § 102(b) as being anticipated by Smirnov (U.S. Patent Application Publication No. US 2001/0041496 A1). Claims 30-32 are rejected under 35 U.S.C. § 102(e) as being anticipated by Speasl et al. (U.S. Patent No. 6,901,971). Claims 7 and 11-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Applicants thank the Examiner for the indication that claims 23-29 are allowable. In view of the amendments above, and the remarks below, applicants respectfully request reconsideration of the application under 37 C.F.R. § 1.111 and allowance of the pending claims.

Rejections under 35 USC § 102

Claims 1-6, and 8-10 are rejected under 35 U.S.C. § 102(b) as being anticipated by Smirnov. Applicants respectfully traverse this rejection, particularly in view of the amendments above. In order to anticipate a claim, a reference must disclose each and every element recited in the claim. *In re Spada*, 911 F.2d 705, 708 (Fed. Cir. 1990). Applicants respectfully submit that Smirnov fails to disclose or suggest a processor operatively coupled to a breath sensor and a reference sensor and adapted to compare the electrical characteristic of a breath sensor to that of a reference sensor and activate an output device if the electrical characteristics differ by a predetermined amount, as recited by amended claim 1, from which claims 2-10 depend. Specifically, although Smirnov uses sensors to determine environmental characteristics, these characteristics are not compared between sensors. Instead, changes within a single sensor, such as temporal changes, are used to influence the behavior of the toy (see paragraphs 76-79). Thus, since claim 1 recites at least the aforementioned elements not disclosed by Smirnov, the

reference does not and cannot anticipate the breath-sensitive toy recited in claim 1. For at least these reasons, applicants respectfully request the withdrawal of the rejection of claim 1 under 35 U.S.C. § 102(b). Claims 2-6 and 8-10 depend from and further limit claim 1 and thus should be allowed when amended claim 1 is allowed.

Claims 30-32 are rejected under 35 U.S.C. § 102(e) as being anticipated by Speasl et al. Applicants respectfully traverse this rejection and submit that Speasl et al. fails to disclose or suggest an environment-sensitive toy having a first sensor responsive to an environmental factor at a first location of the toy and a second sensor responsive to an environmental factor at a second location of the toy. In contrast, Speasl et al. is directed to remote sensing of the internal environmental characteristics of transportable containers, such as shipping containers for semiconductor wafers. Thus, since claim 30 recites at least the aforementioned elements not disclosed by Speasl et al., the reference does not and cannot anticipate the environment-sensitive toy recited in claim 30. For at least these reasons, applicants respectfully request the withdrawal of the rejection of claim 30 under 35 U.S.C. § 102(e). Claims 31 and 32 depend from and further limit claim 30 and thus should be allowed when amended claim 30 is allowed.

Objections

Claim 11 was objected to as being dependent upon a rejected base claim; however, claim 11 is an independent claim. Neither Smirnov nor Speasl et al. disclose or suggest a breath sensor in combination with a reference sensor in a toy. More specifically, Speasl et al. fails to disclose or suggest a breath-sensitive toy having a breath sensor positioned at a first location on a toy, a reference sensor positioned at a second location on the toy, and a processor that activates a transducer when an electrical characteristic of the breath sensor drops below a threshold set by the electrical characteristic of the reference sensor. Applicants therefore believe claim 11 and

dependent claims 12-22 are also allowable.

Applicants believe that this application is now in condition for allowance, in view of the above amendments and remarks. Accordingly, applicants respectfully request that the Examiner issue a Notice of Allowability covering the pending claims. If the Examiner has any questions, or if a telephone interview would in any way advance prosecution of the application, please contact the undersigned attorney of record.

CERTIFICATE OF MAILING

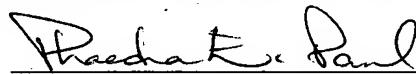
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, to: Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on December 20, 2005.



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